

THE FOLLOWING GREENWOOD COMMON COUNCIL RESOLUTION WILL BE INTRODUCED AT THE AUGUST 21, 2006, MEETING, WITH FIRST READING AT THE SEPTEMBER 6, 2006, MEETING, AND SECOND READING AT THE SEPTEMBER 18, 2006, MEETING. **PLEASE NOTE THIS RESOLUTION IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED RESOLUTION PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 06-19

**A RESOLUTION OF THE GREENWOOD COMMON COUNCIL TERMINATING
PROPERTY TAX ABATEMENT FOR REAL PROPERTY IMPROVEMENTS
(BD GREENWOOD DEVELOPMENT, LLC)**

WHEREAS, the City of Greenwood Common Council, pursuant to I.C. 6-1.1-12.1-1 et seq., did on December 5, 2005 by declaratory Resolution No. 05-14 and on January 4, 2006 by confirmatory Resolution No. 06-01, approve property tax deductions for BD Greenwood Development, LLC; and

WHEREAS, I.C. 6-1.1-12.1-5.1 and I.C. 6-1.1-12.1-5.6 require property owners who receive property tax deductions to provide the body who designated the deductions with information showing the extent to which there has been compliance with the statement of benefits; and

WHEREAS, BD Greenwood Development, LLC, owner of the property that was the subject of the aforementioned deductions, has provided information to the Greenwood Common Council stating that it cannot comply with the statement of benefits approved as required by statute due to changes in federal medicare reimbursement regulations that have caused BD Greenwood Development, LLC to reduce the size of its building; and

WHEREAS, it has been determined that BD Greenwood, LLC has not substantially complied, and although the reasons for its failure to comply are due to factors beyond its control, it cannot substantially comply with the statement of benefits; and

WHEREAS, the Common Council sent notice to BD Greenwood Development, LLC explaining the reasons for said determination to terminate the tax abatement and notifying it of the date, time and place of a hearing to receive information and further consider the matter; and

WHEREAS, on September 6, 2006, in accordance with I.C. 6-1.1-12.1-5.9, after conducting a public hearing, receiving information from BD Greenwood Development, LLC and other interested parties, and consideration of the information before the Common Council, it is hereby determined that BD Greenwood Development, LLC has not made reasonable efforts to substantially comply, and even though such failure is due to factors beyond its control, it cannot comply with the statement of benefits as required by law and that its property tax deductions should be terminated,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA THAT:

Section 1. The Common Council hereby finds and determines that BD Greenwood Development, LLC has not made reasonable efforts to comply with the statement of benefits and that although the failure to substantially comply was caused by factors beyond the control of BD Greenwood Development, LLC, it cannot comply with the statement of benefits.

Section 2. The property tax deductions approved by Greenwood Common Council Resolutions No. 05-15 and 06-01 are hereby terminated.

Section 3. The Clerk-Treasurer is directed to mail a certified copy of this Resolution to BD Greenwood Development, LLC, the Auditor of Johnson County, and the Indiana Department of Local Government Finance.

Section 4. This resolution shall be effective from and after passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Greenwood, Indiana,
this _____ day of _____, 2006.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Resolution adopted by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2006, is presented by me this _____ day of _____, 2006, at _____ o'clock _____.m. to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Resolution adopted by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2006, is approved by me this _____ day of _____,2006, at _____ o'clock _____.m.

Charles E. Henderson, Mayor
City of Greenwood, Indiana